

ACCEPTED/FILED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY -2 2017

Federal Communications Commission
Office of the Secretary

In the Matter of)

Entercom License, LLC)

Applications for Renewal of License for Station)

KDND(FM), Sacramento, California)

MB Docket No. 16-357

Facility ID No. 65483

File Nos. BRH-20050728AUU and

BRH-20130730ANM

To: Marlene H. Dortch, Secretary

Attn: The Commission

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ENFORCEMENT BUREAU'S OPPOSITION TO
STOLZ APPLICATION FOR REVIEW

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1. On March 16, 2017, the Presiding Judge terminated the above-captioned proceeding with prejudice, based on Entercom License LLC's (Entercom) surrender of its license for Station KDND(FM) rendering moot all of the issues designated for hearing.¹ On April 17, 2017, Edward R. Stolz II (Stolz) filed an application for review of *Order*, FCC 17M-09, seeking to have the Commission (i) issue a formal order cancelling the surrendered license for Station KDND(FM), and (ii) designate for hearing several issues regarding various other stations licensed to Entercom in the Sacramento market.² The Acting Chief, Enforcement Bureau (Bureau), through his attorneys, respectfully opposes the Application.

2. As an initial matter, the Application should be denied because it does not question any ruling, or demand any relief, from *Order*, FCC 17M-09. Rather, the Application requests

¹ *Order*, FCC 17M-09 (ALJ rel. Mar. 16, 2017); Hearing Designation Order and Notice of Opportunity for Hearing, rel. Oct. 27, 2016 (HDO).

² See Application for Review, filed Apr. 17, 2017 (Application). Stolz effectively seeks to resurrect the proceeding to add several issues concerning the operations of five other Sacramento stations licensed to Entercom – Stations KUDL(FM), KIFM(AM), KKDO(FM), KRXQ(FM), and KSEG(FM) (collectively, Other Sacramento Stations).

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that the Commission order the Media Bureau to update its CDBS-Public Access database to reflect Entercom's cancellation of its license for Station KDND (FM).³ Given that Entercom, however, formally surrendered its license on the record before the Presiding Judge, and also with the Media Bureau (as reflected in the CDBS-Public Access database's correspondence folder),⁴ the appropriate course of action would have been for Stolz to seek relief from the Media Bureau. The Presiding Judge does not manage the Media Bureau's CDBS-Public Access database.

3. Moreover, the Application requests that the Commission designate for hearing issues relating to the renewal of the Other Sacramento Stations, stations that were *not at issue in the above-captioned hearing*.⁵ Since Entercom is no longer seeking renewal of the now-cancelled license for Station KDND(FM), and because *Order*, FCC 17M-09, does not concern the Other Sacramento Stations, the Application should be denied as either moot or baseless, in that it does not appeal any part of *Order*, FCC 17M-09.

4. In addition, the Application should be denied because Stolz lacks standing. Stolz, who was not a party to the above-captioned proceeding, claims that he is entitled to file an application for review under Section 1.115(a)⁶ of the Commission's rules because he is an "aggrieved party" with a "concrete Article III economic interest in the outcome" of the case.⁷ Stolz, however, provides no specific details regarding how he is economically disadvantaged by *Order*, FCC 17M-09, or how he otherwise meets the criteria of a "party in interest." As a result,

³ See *id.* at 5, 14.

⁴ The correspondence folder in the Media Bureau's CDBS-Public Access folder contains the letter from Entercom surrendering its license. See http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/publicacc/prod/corrp_list.pl?Facility_id=65483. It simply appears that Media Bureau staff has not yet updated the public database to reflect the surrender.

⁵ See Application at 14.

⁶ 47 C.F.R. § 1.115(a).

⁷ Application for Review at 10.

he lacks standing to file an application for review.⁸

Conclusion

5. For the reasons set forth above, the Application should be denied.

Respectfully submitted,

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Acting Chief, Enforcement Bureau



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⁸ See, e.g., *In re Applications of The Seven Hills Television Company*, Memorandum Opinion and Order, 3 FCC Rcd 826-27, paras. 4-5 (1988). The Bureau takes no position here regarding whether Stolz has a legal basis to assert that he is the proper licensee for Station KDND(FM). Assuming *arguendo* that the license for Station KDND(FM) should somehow now revert to Stolz, since the record unquestionably reflects that Entercom has surrendered its license, Stolz is free to pursue his claims in a separate proceeding.

CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has on this 2nd day of May, 2017, sent copies of the foregoing "ENFORCEMENT BUREAU'S OPPOSITION TO STOLZ APPLICATION FOR REVIEW" via email (and First Class mail to Mr. Kelly) to:

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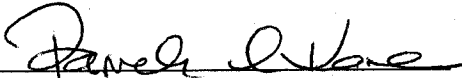
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